

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PASCAL DUBOIS,

Plaintiff,

V.

MICHAEL ABODE, *et al.*,

Respondent.

Hon. Dennis M. Cavanaugh

OPINION

Case No. 04-1314 (DMC)

DENNIS M. CAVANAUGH, U.S. District Judge

This matter comes before the Court upon petition by Pascal Dubois (“Plaintiff”) to have his legal postage paid for by the United States of America and for more time in the Middlesex County Correction Center (“MCCC”) library. No oral argument was heard pursuant to Rule 78 of the Federal Rules of Civil Procedure. After carefully considering the submissions of the parties, and based upon the following, it is the holding of this Court that Plaintiff’s request for free postage is **denied** and that Plaintiff receive no more or less than the amount of time to which he is entitled to use the MCCC’s law library as a prisoner.

BACKGROUND

_____ On April 21, 2004, this Court granted Plaintiff's application to proceed *in forma pauperis* in this action. By letter dated May 17, 2007, Petitioner complains that his outgoing legal mail had been returned to him by the MCCC mail room because Plaintiff failed to pay postage. Plaintiff asks this Court to grant him free postage for all of his outgoing legal mail because he had been granted

permission to proceed *in forma pauperis*:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.'

28 U.S.C. § 1915(a)(1).

The statute waives only the prepayment of filing fees. This Court's April 21, 2004 Order does not waive postage expenses or any other expenses connected with Plaintiff's litigation. The Order goes no further than waiving the initial prepayment of filing fees. Plaintiff's request that his outgoing legal mail postage be paid for is, therefore, denied.

Plaintiff also requests additional time in the MCCC's law library. Dubois complains that the MCCC has limited his access to the law library to forty-five minutes, twice per week. According to the MCCC's inmate handbook, inmates at the MCCC are entitled to ten hours of library time each month, depending upon resources, availability and security considerations. The MCCC's library staff can best schedule Plaintiff's time in accordance with their rules, but shall not to fall below ten hours per month absent certain extenuating circumstances.

An appropriate Order accompanies this Opinion.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Date: June 6, 2007
Orig: Clerk
cc: The Honorable Mark Falk, U.S.M.J.
File
